



Entered on Docket  
March 16, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

**In re:**

**AVIS ELLIS,  
Debtor.**

**Case No.: BK-S-09-27726 LBR  
Chapter 13**

**AGREED ORDER GRANTING SECURED  
CREDITOR ADEQUATE PROTECTION**

**Date: March 10, 2010  
Time: 1:30 PM**

This Stipulation is entered into by and between HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities Corp. Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2006-HE4, Asset Backed Pass-Through Certificates, ("Secured Creditor") and the above-referenced debtor, by and through their undersigned attorneys. A copy of this stipulation and order has been submitted to the Chapter 13 Trustee as of the date shown on the attached mailing certificate.

The property which is the subject of this matter is commonly known as 1667 Marion Bennet Drive, Las Vegas, Nevada (the "Property").

1                                    THE PARTIES HEREBY STIPULATE AS FOLLOWS:

2                    1.        Debtor shall make regular monthly payments to Secured Creditor pursuant  
3  
4 to the terms of the Note (the "Note"), commencing April 1, 2010 and continuing until all  
5 outstanding amounts under the Note are paid in full.

6                    2.        Debtor owes to Secured Creditor under the terms of a promissory note and  
7  
8 trust deed post-petition arrearages as follows:

9	6 payments @ \$1,358.09 (Oct '09 - Mar '10)	\$8,148.54
10	Fees and costs	\$1,250.00
11	Post-petition delinquency	\$9,398.54

12                    3.        In addition to regular monthly payments, debtor shall tender six (6)  
13  
14 monthly payments to Secured Creditor of \$1,566.42 each, commencing March 15, 2010. In the  
15 event debtor has tendered additional payments which have not been properly credited, this  
16 amount will be adjusted accordingly.

17                    4.        Debtor shall comply with the terms and conditions of the Chapter 13 Plan  
18  
19 with respect to the payments to the Chapter 13 Trustee.

20                    5.        For so long as the automatic stay applies to the subject property, if a  
21  
22 Breach of any provision contained in paragraphs 1, 3, or 4 of this Order occurs, Secured Creditor  
23 may provide a written Notice of Breach to debtor at 1121 Sidehill Way, Las Vegas, NV 89110  
24 and to the attorney for debtor indicating the nature of the default.  
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1           6.       Once a Notice of Breach has been sent, in order to cure the Breach, debtor  
2 shall bring all payments under this Stipulation current and tender an additional \$100 to Secured  
3 Creditor for each Notice of Breach.  
4

5           7.       The failure to cure the breach within fourteen (14) calendar days from the  
6 date the written Notice of Breach is placed in the mail and filed with the Court shall constitute a  
7 substantial breach of this agreed order. The failure of the debtor to respond to the Notice of  
8 Breach within fourteen calendar days of the filing of the Notice of Breach shall constitute prima  
9 facie evidence of the substantial breach. Fourteen days following the filing of the Notice of  
10 Breach, Secured Creditor may file an ex parte Declaration of Non-Cure and a proposed Order  
11 terminating automatic stay and allowing Secured Creditor to proceed to enforce its security  
12 interest in the Property under the terms of the Note and Deed of Trust/Mortgage and pursuant to  
13 applicable state law and thereafter commence any action necessary to obtain complete possession  
14 of the Property. The Court may enter the proposed Order without further notice to the parties.  
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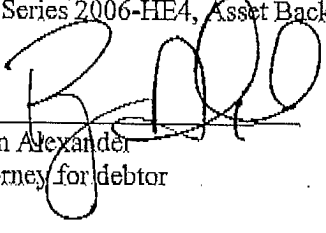
18           8.       In the event that Secured Creditor is granted Relief from the Automatic  
19 Stay, the parties hereby stipulate that the 10-day stay provided by Bankruptcy Rule 4001(a)(3) is  
20 waived.  
21

22           9.       Any proposed Order submitted to the Court following a breach of this  
23 Agreed Order shall require the Secured Creditor to file a proof of claim with the Clerk of the  
24 Bankruptcy Court within one-hundred eighty (180) days following the entry of the order and  
25 serve a copy on the Trustee setting forth any claim remaining following the disposition of the  
26 collateral or collection from the co-debtor of any part of the claim that is subject to such order  
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1 and not paid through the debtor(s)' Plan. If no amended proof of claim is filed as set forth  
2 herein, the Trustee shall reduce the secured portion of such claim to zero and cease any further  
3 distributions for payment of the secured claim to the creditor through the confirmed Plan.  
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5 /s/ James H. Woodall

6 Attorney for HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities  
7 Corp. Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home  
8 Equity Loan Trust, Series 2006-HE4, Asset Backed Pass-Through Certificates

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10 Ryan Alexander  
11 Attorney for debtor

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13 Kathleen A Leavitt  
14 Chapter 13 Trustee  
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CERTIFICATION OF COUNSEL

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☒ This is a chapter 7 or 13 case, and a copy of this Agreed Order Granting Secured Creditor Adequate Protection has been e-mailed to all parties, counsel and any unrepresented parties, and each has approved or disapproved the order, or failed to respond, as indicated below:

Kathleen A. Leavitt: Trustee

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Failed to Respond: X

Ryan Alexander: Debtor's Attorney

Approved: X Disapproved: \_\_\_\_\_ Failed to Respond: \_\_\_\_\_

\_\_\_\_ I certify that I have served a copy of this Stipulation and Order granting secured creditor adequate protection, and no parties appeared or filed written objections.